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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the fortieth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to General Assembly resolution 62/106.

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Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Malaysia and Senegal.

The present, fortieth, report to the General Assembly reflects the substance of the information gathered during the mission of the Special Committee to Egypt, Jordan and the Syrian Arab Republic from 23 June to 5 July 2008. In those three countries, the Special Committee met with 33 witnesses representing Palestinian non-governmental organizations from the occupied territories and Israeli non-governmental organizations, and individuals from the Syrian Arab Republic.

Section V of the report provides information on the human rights situation in the occupied territories, and section VI a review of Israeli practices affecting the human rights of Syrian Arab citizens in the occupied Syrian Golan. Section VII presents the conclusions and recommendations of the Special Committee to the General Assembly.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). It is composed of three Member States: Sri Lanka (represented by the Permanent Representative of Sri Lanka to the United Nations, Ambassador Prasad Kariyawasam, serving as Chairperson); Malaysia (represented by the Deputy Permanent Representative of Malaysia to the United Nations, Zainol Zainuddin); and Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, Ambassador Babacar Carlos Mbaye). The Special Committee reports to the Secretary-General. Its reports are reviewed in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. The occupied territories are considered to be those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip. The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee are the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that are under occupation but who left those areas because of the hostilities.

3. The human rights of the Palestinian people and other Arabs of the occupied territories are those referred to by the Security Council in its resolution 237 (1967) as "essential and inalienable human rights" and those rights that find their basis in the protection afforded by international law, in particular in circumstances such as military occupation and, in the case of prisoners of war, capture. The General Assembly, by its resolution 3005 (XXVII), requested the Special Committee also to investigate allegations concerning the exploitation and looting of the resources of the occupied territories, the pillaging of its archaeological and cultural heritage and interference in freedom of worship in its holy places.

4. The "policies" and "practices" affecting human rights that are within the scope of investigation by the Special Committee refer, in the case of policies, to any course of action consciously adopted and pursued by the Government of Israel as part of its declared and undeclared intent; while practices refers to those actions that, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

5. The Special Committee bases its work on the human rights standards and obligations enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the

Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (the Third Geneva Convention), the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict, and the Hague Conventions of 1899 and 1907 concerning the Laws and Customs of War on Land. The Special Committee also relies on those resolutions relevant to the situation of civilians in the occupied territories adopted by the General Assembly, the Security Council, the Economic and Social Council and the Human Rights Council.

6. The General Assembly, by its resolution 62/106, requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. The Assembly also requested the Special Committee to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967.

III. Activities of the Special Committee

Field mission of the Special Committee to the Middle East

7. In preparation for its field mission to the Middle East, the Special Committee addressed a letter dated 22 April 2008 to the Permanent Representative of Israel to the United Nations Office at Geneva, requesting full access to the occupied territories in order to fulfil the responsibilities entrusted to it by the General Assembly in its resolution 62/106. The Special Committee received no response from the Israeli authorities.

8. Not able to visit the occupied territories since its establishment in 1968, the Special Committee once again carried out a field mission with a view to fulfilling the responsibilities entrusted to it by the General Assembly. It visited Egypt from 23 to 27 June 2008, Jordan from 27 June to 1 July 2008 and the Syrian Arab Republic from 1 to 5 July 2008, where it heard the testimony of 33 witnesses on the situation of human rights in the occupied territories.

9. The Special Committee expresses its gratitude to the offices of the United Nations resident coordinators in Egypt, Jordan and the Syrian Arab Republic for the valuable assistance extended to the Committee in preparation of and during its visits to those countries.

10. The Special Committee greatly appreciated being able to meet with representatives of the authorities and other entities in Egypt, Jordan and the Syrian Arab Republic. In Cairo, it met with the Minister for Foreign Affairs of Egypt, Mr. Ahmed Aboul Gheit, the Assistant Minister for Foreign Affairs for Multilateral

Affairs, Ambassador Naela Gabr, the Assistant Secretary-General for the Sector of Palestine and Arab Occupied Territories of the League of Arab States, Mr. Mohamed Sobieh, and the Assistant Secretary-General and Director of Political Affairs of the League of Arab States, Mr. Ahmed Bin Hilli. It also met with the Vice-President of the Egyptian National Council for Human Rights, Mr. Kamal Aboul Magd, its Secretary-General, Mr. Mokhless Kotb, and Mr. Mohamed Fayek. In Amman, the Special Committee met with the Secretary-General of the Ministry of Foreign Affairs, Ambassador Omar Rifai.

11. In Damascus, the Committee met with the Vice-Minister for Foreign Affairs of the Syrian Arab Republic, Mr. Fayssal Mekdad, the Chief of the International Organizations Department at the Ministry of Foreign Affairs, Mr. Milad Atteyyeh, and the Governor of Quneitra Province, Mr. Nawaf al-Sheikh. While in the Syrian Arab Republic, the Committee visited the city of Quneitra. The Committee also met with United Nations officials in the three countries and held press conferences in Cairo, Amman and Damascus.

12. The present, fortieth, report of the Special Committee is submitted in accordance with General Assembly resolution 62/106.

IV. Recent developments

13. The policy of isolation and sanctioning of Gaza after Hamas seized control of the Gaza Strip in June 2007, and the subsequent further reduction of the supply of fuel and electricity as a result of Israel's declaration of Gaza as a "hostile territory" on 19 September 2007 has resulted in an ever worsening humanitarian crisis, not only increasing dependence on humanitarian assistance in the immediate, but also creating an environment of physical destruction and psychological scars that will deprive the enjoyment of human rights by Palestinians for generations to come. The siege and further tightening of closure of the border, curtailing the movement of people and most goods, with the exception of imports of the most basic humanitarian supplies, constitutes collective punishment, in contravention of article 33 of the Fourth Geneva Convention.

14. The ceasefire that took effect on 19 June 2008 led to some optimism that after a year of heavy restrictions, fuel and other essential goods might enter the Gaza Strip. According to the Office for the Coordination of Humanitarian Affairs at the United Nations, there was a small increase in the import of fuel and goods, but the composition of imports remained unchanged, consisting mostly of food commodities, with shortages of raw materials and supplies continuing. One month after the ceasefire, there has been no significant improvement in the humanitarian situation in the Gaza Strip.

15. The Annapolis conference of 27 November 2007 gave new impetus to direct negotiations between President Abbas and Prime Minister Olmert. The two sides agreed to work continuously to reach a two-State solution by the end of 2008, a commitment that was repeated on the occasion of the visit of the President of the United States, George W. Bush, to Jerusalem on 9 January 2008. The visit was preceded by an agreement between the Israeli Prime Minister and the Palestinian President to create negotiation teams to address the five core issues of the conflict: settlements, Jerusalem, refugees, security and borders. Since then, negotiations have been ongoing and during the Paris Summit for the Mediterranean, held on 13 July

2008, new political signs emerged. The key question remains whether the political process will lead to tangible results for the enjoyment of the human rights of the Palestinian people. The Special Committee recalls that the protection of human rights is an essential element for peace efforts to succeed. The respect and protection of the human rights of the Palestinian people cannot be put on hold and immediate measures must be taken to address the ongoing violations.

16. The Special Rapporteur on freedom of religion or belief, Asma Jahangir, visited Israel and the Occupied Palestinian Territory in January 2008. The Special Rapporteur has highlighted as a major issue of concern the restricted access to holy places and impediments to worship owed to an elaborate system of permits, visas, checkpoints and the barrier. Security measures must comply with State obligations under international law, including freedom of belief. She noted that the current restrictions appear to be disproportionate to their aim, as well as discriminatory and arbitrary in their implementation. She also highlighted issues of religious discrimination and, as a major immediate challenge, the need to effectively prohibit and sanction incitement to religious hatred, in accordance with article 20 of the International Covenant on Civil and Political Rights.

17. On 23 and 24 January 2008, the Human Rights Council held its sixth special session, and adopted resolution S-6/1, in which it expressed grave concern at the repeated Israeli military attacks carried out in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, which have resulted in loss of life and injuries among Palestinian civilians, including women and children; called for urgent international action to put an immediate end to grave violations committed by the occupying Power, Israel, in the Occupied Palestinian Territory, including the series of incessant and repeated Israeli military attacks and incursions therein and the siege of the occupied Gaza Strip; demanded that the occupying Power, Israel, lift immediately the siege it had imposed on the occupied Gaza Strip, restore continued supply of fuel, food and medicine and reopen the border crossings; called for the immediate protection of the Palestinian civilians in the Occupied Palestinian Territory, in compliance with human rights law and international humanitarian law; and urged all parties concerned to respect the rules of human rights law and international humanitarian law and to refrain from using violence against the civilian population.

18. Pursuant to the decisions of the Human Rights Council during its sixth special session and its seventh session, the High Commissioner for Human Rights submitted two reports to the Council (A/HRC/7/76 and A/HRC/8/17). The High Commissioner also submitted a report on religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem, to the Council at its eighth session, pursuant to Human Rights Council resolution 6/19 (see A/HRC/8/18). The Council also adopted resolution 7/1, condemning Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly recent ones in the occupied Gaza Strip, and called for their immediate cessation, expressed shock at Israeli bombardments of Palestinian homes, called for urgent international action to put an end to the grave violations committed by Israel and reiterated its call for immediate protection of the Palestinian people.

19. From 27 to 28 May 2008, the high-level fact-finding mission to Beit Hanoun established under Human Rights Council resolution S-3/1 led by Archbishop Desmond Tutu, visited the Gaza Strip, entering through Rafah. Because of Israel's

lack of cooperation, it was the first visit made by the mission since its establishment in November 2006, following an Israeli attack that resulted in the killing of 19 people, including 7 children. In his statement at the end of the mission, Archbishop Tutu stressed the need for accountability and to end the culture of impunity. He termed the siege of Gaza a gross violation of human rights and called on Israel to end it. He also sent a message to the international community, namely that "our silence and complicity ... shames us all".

V. Situation of human rights in the Occupied Palestinian Territory

20. During the current reporting period, the situation of human rights in the Occupied Palestinian Territory has seen a significant deterioration in many parts of the Territory, particularly in the Gaza Strip. The lack of protection of civilians and the escalation of violence have been significant factors in the overall human rights situation in the Territory. During the reporting period there was an escalation of violence, with an increase in Israeli military attacks and incursions against the Palestinian population in the Territory. The Israeli Defense Forces (IDF) continued to carry out rocket and artillery attacks, air strikes and military incursions into Gaza, and Qassam rockets continued to be fired by Palestinian militants from the Gaza Strip into Israel. The restrictions on the movement of Palestinians between the West Bank, Gaza and East Jerusalem and within the West Bank were tightened further. These measures severely damaged the social and economic structures of the West Bank and Gaza, contributed to increasing unemployment and poverty, and resulted in increased reliance on humanitarian assistance.

21. The economic strangulation in the Occupied Palestinian Territory further intensified because of the Israeli border control regime and other trade-related restrictions and obstacles, resulting in increasing dependency on humanitarian aid with a direct impact on the enjoyment of economic and social rights. Discrimination in access to water has been emphasized as a key concern. Many Israeli practices in the Occupied Palestinian Territory constitute, or have been described as, collective punishment prohibited by article 33 of the Fourth Geneva Convention.

22. All crossings into the Gaza Strip have been essentially closed since June 2007, with only sporadic openings. Despite the ceasefire with Israel, Gaza borders remain largely closed. During the reporting period the severe restrictions on the movement of goods and people entering and leaving Gaza resulted in a significant deterioration of the humanitarian and human rights situation in the Gaza Strip, with shortages of food, medical and relief items, spare parts for critical health and water sanitation installations, materials for humanitarian projects and raw materials for commerce and industry in Gaza. Shortages of fuel and electricity translated into electricity cuts of 8 to 10 hours per day, and disruptions in water distribution, sewage treatment and, to a lesser extent, health care. According to the Office for the Coordination of Humanitarian Affairs, at the end of December 2007, 80 per cent of families relied on humanitarian aid, compared to 63 per cent in 2006. The policy of isolation and collective punishment has led Gaza to the brink of a humanitarian crisis, while the citizens of Gaza continue to be subjected to Israeli military attacks and incursions. It is estimated that 80 per cent of the Gaza population lives below the poverty line and relies on food aid from international organizations.

23. The situation was described as being entirely man-made and arising from the siege and blockade. Many sources described Gaza as a big prison. The Special Committee was told that people in Gaza were very disappointed in the international community because of its total lack of protection regarding their plight.

24. Meanwhile, the route of the separation wall, the steady expansion of settlements, which are illegal under international law, curfews, and the closure regime and associated controls have fragmented communities and seriously infringed on the right to freedom of movement and virtually every other human right of the Palestinian people, including the rights to health, education, an adequate standard of living, and work and family life, in clear violation of international human rights and humanitarian law. The right to freedom of movement continued to be obstructed by more than 607 obstacles, including staffed checkpoints, random, or "flying", checkpoints, earth mounds, trenches, road blocks, road gates and other kind of obstacles.[1]

25. During the reporting period, military incursions by Israeli forces into Gaza and throughout the West Bank continued, with an increasing number of civilians killed as a result of the conflict. With at least 68 children killed since the beginning of the year, more children have already died in 2008 than did in all of 2007. The number of Palestinian prisoners, including women and children, detained by Israel remains at more than 10,000. The Israeli policy of targeted killings of Palestinian militants and security personnel continued, with consequential results including deaths and injuries to civilians.

26. The attention of the Special Committee was also drawn to the long-term impact of current Israeli policies and practices infringing on the human rights of the Palestinian people. On the one hand, the Gaza Strip was isolated completely during the reporting period and separated entirely from the West Bank. The closure of Gaza has had a serious impact on economic and social rights, has destroyed the economy and will have a detrimental impact on the environment; within the West Bank, three separate entities, described by witnesses as "enclaves", "cantons" and "Bantustans", have been created de facto, and movement and access to East Jerusalem has become ever more difficult, if not close to impossible, for Palestinians. The long-term impact on the social fabric, the destruction of family ties, the destruction of Palestinians' link with their land, beyond mere economic necessity, is feared to have a significant impact on society as a whole, including Palestinian children, a very vulnerable group, which in Gaza makes up half of the population. The Special Committee also heard testimony on the uprooting of more than 20,000 trees between August 2007 and June 2008 by Israel and the replanting of trees in settlements or in Israel.

27. In addition to hearing about the consistent and widespread violations of civil, cultural, economic, political and social rights, the Special Committee heard testimony on the lack of accountability for such violations, owing to a failure to thoroughly investigate and prosecute those responsible, and to obstacles to legal remedy in courts. Several interlocutors highlighted current efforts to further weaken the right of Palestinians to an effective remedy through a new legislative proposal being discussed in the Knesset. The Special Committee emphasizes that this culture

[1] Office for the Coordination of Humanitarian Affairs Closure Update, May 2008 (www.ochaopt@un.org).

of impunity and lack of effective remedy effectively renders the human rights of Palestinians meaningless.

28. The Special Committee was particularly concerned by testimony received concerning a draft Israeli law (the Civilian Torts Law (Liability of the State) (Amendment No. 8) 5767-2007), which the Committee was told recently passed the first reading in the Knesset. According to the draft law, residents of the Occupied Palestinian Territory would be prevented from submitting tort lawsuits against the State of Israel to obtain compensation for damages inflicted upon them by the Israeli security forces, even in cases where damages to property or to the person, including torture, were caused outside the context of military operations.

29. Finally, the work of United Nations agencies and humanitarian workers has been hindered increasingly, preventing them from carrying out their functions effectively. Between September 2007 and March 2008, 373 incidents of delayed or denied access of United Nations humanitarian personnel were reported, a 50 per cent increase over the previous six months. Moreover, increasingly Israeli soldiers have insisted on searching United Nations vehicles at the checkpoints as a condition for being allowed through, despite the fact that Israel signed the 1946 Convention on the Privileges and Immunities of the United Nations.

A. Right to self-determination

30. The right to self-determination of the Palestinian people, a human right enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, is paramount to the consideration of the overall situation of human rights in the Occupied Palestinian Territory, including East Jerusalem. The failure to realize this right will compromise the possibility for full respect, protection and fulfilment of the rights of the Palestinian people. Israeli policies and practices described in previous reports of the Special Committee have continued and intensified, threatening the very essence of the enjoyment of the right to self-determination by the Palestinian people, and consequently all other rights stipulated in the Universal Declaration of Human Rights and core human rights treaties.

31. The possibility of the establishment of a viable Palestinian state has continued to be threatened through policies and practices carried out during the reporting period, in particular the fragmentation of the Occupied Palestinian Territory, including through infringements on the right to freedom of movement through a complex regime of permits and other measures, the construction of the separation wall, and the continued expansion of settlements. The Committee heard descriptions of the Occupied Palestinian Territory, including East Jerusalem, as "disintegrated and disconnected", isolating its people into several separate cantons, annihilating its territorial contiguity and affecting its social fabric and character.

32. By its resolution 7/17, the Human Rights Council reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State, reaffirmed its support for a two-State solution, and stressed the need for respect for and preservation of the territorial unity, contiguity and integrity of all the Occupied Palestinian Territory, including East Jerusalem.

Settlements

33. In paragraph 120 of its advisory opinion on the *Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory* (A/ES-10/273 and Corr.1), the International Court of Justice concluded "that Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law". The transfer of its own population by the occupying Power into the occupied territory is prohibited by article 49, paragraph 6, of the Fourth Geneva Convention. The Supreme Court of Israel has avoided pronouncing itself on the legality of settlements since this policy began in 1977. The Human Rights Council, in its resolution 7/18, deplored Israel's announcement of the construction of new housing units for Israeli settlers in East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and pledges made by Israel at the Annapolis peace conference of 27 November 2007, expressed grave concern at the continuing Israeli settlement and related activities, in violation of the Fourth Geneva Convention, and at the restriction of freedom of movement of people and goods within the Occupied Palestinian Territory, urged the dismantlement of settlements, and called on Israel to take measures to prevent acts of violence by Israeli settlers against Palestinian civilians and properties.

34. Since the Annapolis conference, the West Bank has witnessed particularly rapid settlement growth. According to one source, construction has taken place in over 100 settlements and 58 outposts, including 16 new outposts, and there are plans for the construction of over 940 housing units. In East Jerusalem, while settlement construction continues, tenders for construction of 745 housing units have been issued since December 2007, and further plans for the construction of over 3,600 housing units were submitted for review. Witnesses also reported that overall, between August 2007 and June 2008, Israel issued tenders and plans for a total of 23,653 new housing units in Israeli settlements in the West Bank. Settlements in Jerusalem and Bethlehem Governorates accounted for 64 per cent of that total, or 15,254 housing units, and 32.3 per cent, or 7,640 housing units, respectively. According to testimony received, 99 per cent of tenders and plans issued for new housing units were in Israeli settlements located in the western segregation zone, which is considered to be predestined for annexation to Israel upon completion of the separation wall.

35. Following the announcement by Israel of plans for the construction of 1,300 new housing units in East Jerusalem in early June 2008, the Secretary-General voiced deep concern, emphasizing that the continued construction of settlements in the Occupied Palestinian Territory was contrary to international law and to Israel's commitments under the road map and the Annapolis process. He called on Israel to freeze all activity, including natural growth, and to dismantle outposts erected since March 2001. The Quartet, following its Berlin meeting, issued a statement on 24 June reiterating its deep concern at the continuing Israeli settlement activity and called for a freeze. One month later, on 24 July 2008, the Secretary-General expressed his deep concern at the announcement of the initial approval by the Ministry of Defence of 20 residential units in the Israeli military post of Maskiyot in the West Bank.

36. Much of the settlement policy, especially in East Jerusalem, was described by witnesses as being aimed at undermining peace efforts, as a large number of

settlements would prevent East Jerusalem from being the capital of a future Palestinian State. Witnesses described how properties were acquired in the heart of Palestinian villages, the increase in settler violence, which was met by limited response from law enforcement officials, and activities such as archaeological digs.

37. The Special Committee heard detailed testimony, supported by maps and photographs, on an excavation project in the Arab neighbourhood of Silwan in East Jerusalem, a few hundred metres from Al-Haram Al-Sharif/Temple Mount. According to the witness, settlers started the excavation, which raised great concern among the Palestinian population and archaeological experts. The case is currently before a court, but the witness expressed little hope that that practice would be stopped successfully.

38. Importantly, settlers were described as being the main reason for the construction of the separation wall, for restrictions on movement and access in the West Bank and for the establishment of a road network prohibited to Palestinians, whose purpose was to create contiguity between East Jerusalem and nearby settlements.

Settler violence

39. During the period under review, settlers intensified attacks on Palestinians in the West Bank. The Special Committee was told that Israeli authorities generally take attacks by settlers on Palestinians lightly, failing to prevent and stop attacks and to prosecute and hold perpetrators to account.

40. In an effort to raise awareness of human rights violations of Palestinians stemming from settler violence and Israel's lack of law enforcement, in contravention of its international human rights obligations, human rights organizations have started a project to film violations and raise awareness of the situation with major Israeli and international news networks.

41. The Special Committee received information indicating a steady increase in the incidence of settler violence since 2000. The source informed the Special Committee that in 2007 the Office for the Coordination of Humanitarian Affairs had documented 76 cases of settler violence resulting in death or injury to Palestinians, which represented a 17 per cent increase over 2006. According to the same source, from January to April 2008, the Office for the Coordination of Humanitarian Affairs documented 42 cases of Palestinians killed or injured as a result of settler violence. Also, making reference to Security Council resolution 1612, the source also highlighted the fact that between May 2007 and March 2008 two children were killed and 31 injured as a result of settler attacks. According to witnesses, 11 children were attacked by settlers in 2007 and 3 between January and July 2008. Attacks consisted of beatings, shootings, stone-throwing, degrading and humiliating treatment, and hit-and-run incidents. Settlers were also reported to have robbed children of their belongings.

House demolitions

42. The Special Committee was informed that since the Annapolis conference, there had been no change regarding the issue of house demolitions. To the contrary, numbers for the first half of 2008 were higher than those for 2007. The number of house demolitions in 2007 was 78 in East Jerusalem, 208 in the West Bank, and

759 in Israel (mostly in the Negev). In the first six months of 2008 alone, the number of house demolitions was 46 in East Jerusalem and 135 in the West Bank.

43. The number of demolitions in East Jerusalem since 2008 has clearly been on the rise. Moreover, the Special Committee was informed that, while the number of buildings may be less, the number of square metres of buildings demolished had increased significantly. The impact of demolition orders that never expire and fines for illegal building were highlighted. Construction by Palestinians without a licence was explained through the extreme difficulties in obtaining licences, including refusals by the municipality to grant licences to Palestinians, bureaucratic obstacles and elevated fees. While the same procedure applies to all applicants irrespective of origin, the impact on being able to apply for a licence varies drastically because of cultural and socio-economic differences, including with regard to providing proof of ownership in a way used in modern bureaucracies. According to the Office for the Coordination of Humanitarian Affairs,[2] over 94 per cent of applications for building permits in Area C submitted to the Israeli authorities by Palestinians between January 2000 and September 2007 were denied. During that period, 5,000 demolition orders were issued, and over 1,600 Palestinian buildings were demolished. The current situation leaves Palestinians no choice but to build without a licence. It was further noted that the overall plan behind urban planning policies (and the absence of a master plan, which prevents residents from asking for a licence), licensing requirements and house demolitions was to ensure that the percentage of Palestinians would remain at 30 per cent and thus the demographic balance would be maintained.

44. The number of demolitions in the West Bank, including East Jerusalem, reached 129 during the reporting period (August 2007-June 2008), of which 78 (60 per cent) were in East Jerusalem and 51 (40 per cent) in the West Bank. The demolition of Palestinian houses in the Occupied Palestinian Territory has been justified by Israel for security concerns, although witnesses emphasized that the primary reasons were the building of settlements, the construction of the network of roads and the construction of the separation wall. Witnesses also referred to the practice of house demolition as a punitive measure in retaliation for action against Israeli occupation.

45. As reported by the Office for the Coordination of Humanitarian Affairs, during the first quarter of 2008, 124 structures were demolished by Israeli authorities for lack of permits. In 2007, the number of demolished structures reached 208. Sixty-one of the demolished structures were residential and led to the displacement of 435 Palestinians, including 135 children. The impact on children has been disproportionate.

46. Finally, the Special Committee was told that, since 1967, there has been a systematic effort to hide Palestinian presence in East Jerusalem and to advance the Judaization of Jerusalem.

Separation wall

47. Four years after the International Court of Justice rendered its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied*

[2] Office for the Coordination of Humanitarian Affairs, "Special Focus. 'Lack of Permit' Demolitions and Resultant Displacement in Area C", May 2008.

Palestinian Territory (A/ES-10/273 and Corr.1), stating that the route of the separation wall in the West Bank, and its associated regime of permits and restrictions, was contrary to international law, construction of the separation wall continues. Approximately 57 per cent (409 km) of the announced route of the separation wall had been completed by the end of May 2008, and 9 per cent (66 km) was under construction. Construction on the rest of the wall (34 per cent or 248 km) had not started. The majority of the route, approximately 87 per cent runs inside the West Bank and East Jerusalem, rather than along the 1949 Armistice Line (Green Line).

48. The separation wall has been described to the Special Committee as a symbol of the occupation and oppression. In its advisory opinion, the International Court of Justice concluded that the wall severely impeded the exercise by the Palestinian people of their right to self-determination, and was therefore a breach of the obligation of Israel to respect that right. The impact of the separation wall, its current route and the associated regime of movement controls on the human rights of Palestinians has been dramatic. It has brought about the isolation of communities, created impediments to accessing places of work and services such as health and education, prevented farmers from accessing their land and water resources, resulting in the destruction of livelihoods and land, and separated families and caused internal displacement of Palestinians. Restrictions on freedom of movement have furthermore impeded access by the population to religious sites, notably in Jerusalem.

49. As in previous years, witnesses told the Special Committee that the route of the separation wall is designed to take in the greatest number of Israeli settlements and settlers and as few Palestinians as possible. The route was not based on security considerations, but rather was designed to perpetuate and expand the settlements. Moreover, the separation wall was designed to encompass highly fertile Palestinian agricultural land and natural resources.

B. Right to freedom of movement and freedom to choose one's residence

Checkpoints, roadblocks, the permit system and other obstacles for movement

50. The right to freedom of movement and to choose one's residence has seen further infringements during the period under review. Across the West Bank a complex and multifaceted system of restrictions operates to obstruct freedom of movement of Palestinians. Impediments include physical obstacles, checkpoints, permits, settlements, a separate road system, the threat of violence and the separation wall.

51. Closures increased during the reporting period. The Office for the Coordination of Humanitarian Affairs reported an increase in closure obstacles from 566 in September 2007 to 607 as at the end of April 2008.[1] That net increase reflects the construction of 144 (11 staffed and 133 unstaffed) obstacles and the removal of 103 (11 staffed and 92 unstaffed). The internal closure regime also included random or "flying" checkpoints, the separation wall and administrative and legislative measures that include the formal annexation of territory to Israel, the declaration of areas as "closed military zones", prohibition of the use of roads, prohibition on the basis of age or sex to move through checkpoints, time limitations on the opening of

checkpoints and curfews. Implementation is often random, thus making the regime unpredictable and the impact on human rights immeasurable.

52. The Committee was also told that the announcement by the Government of Israel regarding the removal of obstacles had in most cases not resulted in alleviation of the restrictions on freedom of movement. The report of the Office for the Coordination of Humanitarian Affairs cited above reached a similar conclusion. It provided an analysis of the declared removal of 61 obstacles by the Government of Israel in April 2008, and highlighted that numbers alone will not provide an indication of the severity of the closure regime and that the "quality" of obstacles must be equally considered. The Office for the Coordination of Humanitarian Affairs reported that only 44 obstacles had been removed and 11 had never existed. Of the 44, only 5 were deemed to be significant, leaving the agency to conclude that the removal had had little or no impact on movement and access in the West Bank.

53. In addition to checkpoints and other physical obstacles, movement within the Occupied Palestinian Territory and, in particular, the West Bank continues to be curtailed further by the permit system. In addition to persons affected by the separation wall, Palestinians in the West Bank continued to have difficulties obtaining permits to access East Jerusalem and other parts of the West Bank. As in previous years, the Special Committee was told that males between the ages of 16 and 35 were virtually unable to leave cities in the northern West Bank. The Special Committee was told that the permit system was also used by Israel to try to recruit collaborators.

54. The gates of the separation wall operate on a very restricted schedule, which has a devastating impact on agriculture and on Palestinian farmers who own land in the "closed area" of the wall and consequently face increasing economic hardship. Another main cause of agricultural disruption is the need for permits and the obstacles involved in obtaining them. Most farmers cannot stay on their land overnight and some permits are seasonal only, for the time of harvest. Many have difficulties in obtaining permits to farm their own land because of tightened eligibility requirements. A limited number of farmers (18 per cent) who used to farm the land in the so-called seam zone before completion of the barrier have received "visitor" permits. Multiple refusals are discouraging farmers from reapplying.

55. Also, freedom of movement is significantly obstructed by a network of roads in the West Bank that links settlements to each other and to Israel and is off limits to Palestinians. Prohibition of access to key arteries within the West Bank is severely impacting the freedom of movement of Palestinians. Witnesses explained, for instance, that cars with Palestinian licence plates continued to be barred by the IDF from use of Highway 443, the main east-west traffic artery connecting Ramallah to Palestinian villages to its southwest, making it an almost exclusive Israeli road used by settlers. Following a petition submitted by six Palestinian villages against this prohibition, the Israeli High Court of Justice issued an interim decision in March 2008, giving the State six months to report progress on the construction of an alternative road for Palestinians, but failing to address the question of the legality of the prohibition of the use of a road based on nationality criteria. Other roads highlighted by witnesses included Road 557 and Road 90.

56. Furthermore, there was an increase in the number and duration of curfews in the northern West Bank and, in general, access in that region had deteriorated. Israel continued to restrict access for most Palestinians to East Jerusalem, the Jordan

Valley and areas between the separation wall and the Green Line. All Palestinians, other than East Jerusalem identification holders, require a separate permit to enter East Jerusalem. Palestinian non-residents of the Jordan Valley need a permit to enter the area, Gazan residents need one to enter the West Bank and West Bank residents need one to enter Gaza. Great concern was expressed regarding limitations on freedom of movement between the West Bank and Gaza. The Special Committee was told that Gazans need Israel's permission to live in the West Bank, which has become almost impossible. Witnesses spoke of a new type of permit being used by the Israeli authorities that imposes even stricter criteria on permits, including that applicants must have lived in the West Bank before 2000, that they are married and have children in the West Bank, that they have police and military clearance and that there are special humanitarian grounds. Even if a permit is received, the military commander can refuse movement, including under general security considerations. Also, the Special Committee was told that Israel, which controls the population registry, has refused since 2000 to update the registry, even if people live in the West Bank. On the other hand, people from the West Bank can change their residence to Gaza. The severing of links between Gaza and the West Bank was described as a calculated policy of isolation.

57. In 2007, the Committee on the Elimination of Racial Discrimination expressed its deep concern at the restrictions on freedom of movement in the Occupied Palestinian Territory targeting a particular national or ethnic group, especially through the wall, checkpoints, a restricted road network and the permit system, which create hardship and have a highly detrimental impact on the enjoyment of human rights by Palestinians, in particular their rights to freedom of movement, family life, work, education and health.[3]

58. While freedom of movement as stipulated in article 12 of the International Covenant on Civil and Political Rights is subject to permissible limitations, such restrictions are subject to strict requirements. The arbitrariness and methods used in the implementation of movement restrictions, among others, were hardly in compliance with the above obligations. Also, the Special Committee was told that many movement restrictions, particularly those in the West Bank, appeared to protect settlements and settlers, in order to ensure that they remain a permanent part of Israel. Implementing movement restrictions on Palestinians to maintain settlements is clearly not a permissible purpose under the International Covenant on Civil and Political Rights and is contrary to international law.

59. The Special Committee heard several accounts of the difficulties confronting the population of the area affected by the separation wall in reaching schools, health services and workplaces. The effects of the separation wall were particularly devastating in occupied East Jerusalem. The impact of obstructions on specific rights other than the right to freedom of movement is detailed in the following sections of the report.

[3] CERD/C/ISR/CO/13, para. 34.

C. Right to an adequate standard of living, including adequate food, clothing and housing

60. The standard of living in the Occupied Palestinian Territory declined steadily during the period under review. The decline has been particularly sharp in Gaza, especially since mid-June 2007. The situation became critical with the fuel and electricity crisis impeding basic services and impacting on the water and sewage system. In Gaza, 80 per cent of the population currently relies on food aid.

61. The Special Committee received information about the deteriorating economy, with Israeli policies imposing movement restrictions in the West Bank and the blockade of the Gaza Strip being key factors in the decline, leaving few prospects for economic growth unless these restrictions are eased. As noted in the recent joint food security survey of the World Food Programme, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the livelihoods of Palestinians are in jeopardy because of soaring food prices, falling incomes and growing unemployment. In the absence of job opportunities, previously self-reliant families are increasingly falling into the poverty trap.[4]

62. The blockade of Gaza has crippled industry and business, with the socio-economic situation in the Gaza Strip being characterized by the shortage of essential commodities, medicines and spare parts, unstable prices, massive closure of industry and rising unemployment. The electricity shortages and power cuts have had an impact on all areas of life. The agricultural sector in the Gaza Strip is close to collapse, as no exports are allowed, and fertilizers, pesticide and other inputs are not available. Seventy per cent of the spring crops are not being irrigated.[4] Many farmers in Gaza have been forced to stop irrigating their crops owing to the difficulty of pumping water from agricultural wells, 70 per cent of which run on diesel. Some farmers have been forced to harvest their crops prematurely, while other crops died. Finally, Israeli incursions have significantly damaged farming lands, crops and greenhouses.[4]

63. Some 96 per cent of industrial operations, factories and workshops have closed. Construction projects have been halted and many Gazans have lost their jobs. Only goods classified as humanitarian and essential are entering Gaza, but there are no other imports or any form of exports.

64. In the West Bank, violations of the right to an adequate standard of living stem mainly from the construction of the separation wall and the attendant restrictions of the right to freedom of movement. The Special Committee heard detailed testimony on the impact of the Israeli occupation on Palestinian trade and the loss of competitiveness of Palestinian enterprises due to the closure regime, which has caused higher transaction costs and greater risk of damage and has prevented producers from delivering according to schedule. The Special Committee was briefed about the impact of lack of control of commercial crossings on the trade sector. Witnesses explained the significant difference in transaction time in relation to Israeli traders and the significant increase in transaction time and risk of damage

[4] World Food Programme, Food and Agriculture Organization of the United Nations, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, "Joint Rapid Food Security Survey in the Occupied Palestinian Territory", May 2008.

to goods because of the back-to-back system, and associated waiting, inspection and transfer times.

65. Limited access to services and basic goods were described as major factors of socio-economic deterioration and forced displacement of the Palestinian population in the West Bank.

Right to adequate housing

66. Another factor significantly influencing the standard of living of the population of the Occupied Palestinian Territory is the continuing demolition of houses, as described above in paragraphs 42 to 46 above, which has led to significant internal displacement of Palestinians. For instance, according to information submitted to the Special Committee, in the first quarter of 2008 alone, over 120 Palestinian-owned structures were demolished in the Jordan Valley and south Hebron. Sixty-one of the demolished structures were residential and led to the displacement of 435 Palestinians.

67. Forced evictions have been defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection".[5] The current Israeli practice of house demolitions on the ground on which they were built without authorization does not meet the requirements as articulated by international law.

68. Also, as highlighted by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism following his visit to Israel and the Occupied Palestinian Territory in 2007, the practices of the Israeli Defence Forces regarding the demolition of property and houses of families, some of whose members were or are suspected of involvement in terrorist activities or suicide bombings, appeared to go beyond operational necessity and amounted to the violations noted by the Human Rights Committee in its concluding observations on the second periodic report of Israel, namely the obligation of Israel to ensure without discrimination the right not to be subjected to arbitrary interference in one's home (art. 17), freedom to choose one's residence (art. 12), equality of all persons before the law and equal protection of the law (art. 26), and not to be subject to torture or cruel and inhuman treatment (art. 7).[6]

Right to food

69. According to the recent joint food security survey of the World Food Programme, FAO and UNRWA,[4] food insecurity in the West Bank and Gaza has increased, with real imminent threats to the livelihoods and nutrition of a growing proportion of the population, despite the mitigating impact of aid. The root causes are described as political, namely the military and administrative measures imposed by the Israeli occupation — the closure regime, permits, the destruction of assets — as well as settlement expansion and derived infrastructure multiplication — access to land and water, bypass roads, etc. — which echoes much of the testimony heard by the Special Committee this year. The three agencies highlight that "there is little scope for action, other than that of a humanitarian emergency nature to solve food

[5] Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 3.
[6] A/HRC/6/17/Add.4, para. 50.

insecurity, until the political dimension is solved".[4] In this context, it should be recalled that the right to food is not primarily about food aid; rather, it is about being able to feed oneself through an adequate livelihood.

70. According to the survey, the rise in food insecurity, reflecting that physical, social and economic access to sufficient, safe and nutritious food meeting dietary needs and food preferences for an active and healthy life cannot be guaranteed, is a result of several factors, including food price inflation, livelihood deterioration and erosion of coping mechanisms. The delivery of food aid has prevented the situation from becoming worse. Thirty-eight per cent of Palestinians are food insecure, with food insecurity rates reaching 56 per cent in Gaza and 25 per cent in the West Bank. The situation is especially desperate in Gaza because of the blockade, but closed areas in the West Bank are equally affected as a result of a high rate of unemployment, wage depreciation, declining business opportunities and increased restrictions on movement, as described above.[4]

71. In Gaza, 80 per cent of the population relies on food aid, and the rate of chronic malnutrition among children under the age of 5 is 13 per cent. The Special Committee was told that 1 in 10 children is stunted.

Right to water

72. The right to water is a guarantee that is "essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions of survival", as elaborated by the Committee on Economic, Social and Cultural Rights in paragraph 3 of its General Comment No. 15. The Committee also explains in the same paragraph that the right to water is "inextricably related to the right to the highest attainable standard of health ... and the rights to adequate housing and adequate food". Finally, the right should be seen in conjunction with other rights, most notably the right to life and human dignity.

73. One of the major issues in the Occupied Palestinian Territory is competition for resources, most significantly the control of water resources, which is one of the results of the continuous expansion of settlement areas, infrastructure and settlement populations. According to testimony received, Palestinians suffer from acute water scarcity, with Israeli consumption reaching 4.3 times that of the average of the Occupied Palestinian Territory and Israeli settlers' consumption reaching 5.3 times that of the West Bank average. Of available groundwater resources in the West Bank 18 per cent is currently being used by Palestinians, with 82 per cent of groundwater resources being controlled and used by Israelis. Such discrimination in the provision of water is in clear violation of the principle of non-discrimination, one of the key underlying human rights principles enshrined in all core human rights conventions. Witnesses reported the reduction of water supply by the Israeli company Mekerot, and insufficient water supply for Palestinians, both in terms of quality and quantity.

74. The Special Committee was told that settlements in the West Bank produce both solid (including hazardous) and liquid waste, and affected water resources generate malaria, amoebas, and cancer and skin diseases. The Special Committee was shown pictures of wastewater flowing from Israeli settlements in Qalqilya Governorate.

75. Witnesses reported that water and sanitation systems suffer from chronic shortages and that households receive only half of the internationally recommended

daily amount of water. The dramatic deterioration of the humanitarian situation in the Gaza Strip has led to wastewater pollution as a result of the lack of wastewater treatment plants. The deterioration of the water and sewage system has been one of the direct impacts of the import restrictions, the reduction of fuel supplies and lack of spare parts. Sixty thousand cubic metres (m^3) of raw and partially treated sewage is pumped into the Mediterranean Sea.

D. Right to work and right to just and favourable conditions of work

76. Throughout the Occupied Palestinian Territory, the enjoyment of the right to work and the right to just and favourable conditions of work has seen serious infringements. The sealing off of the Gaza Strip, which has meant a total ban on exports and the limitation of imports since June 2007 to essential supplies, has resulted in the closure of 90 per cent of 3,900 industrial companies in Gaza and loss of employment by 75,000 individuals. Eighty per cent of the population of Gaza lives below the poverty line. According to the Joint Rapid Food Security Survey by WFP, FAO and UNRWA referred to above,[4] 37 per cent of breadwinners in the Gaza Strip are unemployed, while 27 per cent are unemployed in the West Bank. According to the survey, wage employment continues to be the main source of income, followed by self-employment and transfers from relatives and friends. The main secondary source in the Gaza Strip is emergency assistance.

77. The Special Committee was also informed of the Israeli practice of exerting pressure on workers to collaborate in exchange for security clearance. Also, the obstacles to freedom of movement described throughout the report have a serious impact on the right to work, including causing delays and thus forcing Palestinians to spend hours to get to work or preventing farmers from accessing their land.

78. Several witnesses provided testimony on the lack of application of the labour law to Palestinian workers despite inspections, and gaps in the safety protection of Palestinian workers employed in Israeli settlements and industrial zones.

E. Right to health

79. Throughout the Occupied Palestinian Territory, the enjoyment of the right to health has deteriorated significantly because of the restrictions on the right to freedom of movement and access, including restrictions on the movement of ambulances. Closures have resulted in a shortage of essential medical supplies and a reduction in the delivery of basic health services. Even in medical emergencies, a 10- or 15-minute transfer in an ambulance can turn into a trip lasting one to two hours.

80. In Gaza, the lowering of the nutritional value of food, lack of access to safe drinking water, the deteriorating sanitation system, and untreated sewage being pumped into the Mediterranean Sea are causing diarrhoea and malnutrition. As a result of electricity cuts and the fuel shortage, the Coastal Municipalities Water Utility, which received only 20.2 per cent of its fuel needs between January and April 2008, pumps approximately 80,000 m^3 of sewage (about 30,000 m^3 of raw sewage and 50,000 m^3 of partially treated sewage) every day into the sea, creating a potential public health hazard. Also, the siege of Gaza has resulted in the severe deterioration of the health-care system, which includes lack of medical supplies,

medical equipment and spare parts. The Special Committee was told that Gaza lacks 20 per cent of essential drugs. The use of vegetable oil instead of fuel has also added to existing health risks. Of particular concern has been the situation of children, who constitute over 50 per cent of the population of Gaza. Witnesses also noted, referring to WHO reports, that in October 2007, compared to the previous year, the number of children aged three and under diagnosed as having diarrhoea at UNRWA health clinics had increased by 20 per cent.

81. Furthermore, Israeli authorities have prevented patients from obtaining exit permits to seek health care outside the Gaza Strip. Access to health services outside the Gaza Strip has become increasingly restrictive, with the percentage of permits granted decreasing from 89 per cent in January 2007 to 64 per cent in December 2007. The Special Committee heard detailed testimony regarding the cases of several patients who had been denied exit from Gaza and, as a result, had lost their lives. There was a significant increase in the number of denials by Israeli authorities of access to care outside Gaza during 2007 (with the two peaks being June and July 2007 and late September 2007) following the declaration by Israel of Gaza as a "hostile entity". Witnesses reported that since June 2007, 192 patients in non-life-threatening conditions were prevented from exiting Gaza. After November 2007, even patients with life-threatening conditions were denied exit from Gaza; by April 2008, WHO had registered 32 deaths related to denial of access to care. The United Nations Children's Fund (UNICEF) reported that between October 2007 and March 2008, eight children in Gaza had died following the failure to access health services in a timely manner because of denials or delays in the granting of exit permits. The Special Committee heard the testimony of two patients whose lack of access resulted in the amputation of a limb and the loss of eyesight. The Israeli High Court was petitioned in a number of those cases, but failed to establish a clear responsibility on the part of the Israeli authorities for ensuring the right to health for the population of Gaza. The Special Committee was also told that the prospect of exit permits to obtain health services outside Gaza had been used by the Israeli authorities to put pressure on patients to collaborate and provide information on a regular basis. Medical professionals providing volunteer assistance have also been subjected to pressure and intimidation for their work in Gaza.

82. The situation in Gaza has resulted in a considerable increase in the occurrence of stress-related and depressive disorders arising from Israeli practices such as closure and other forms of collective punishment. A medical professional explained the occurrence of an accumulation of traumas in children, labelling it "chronic toxicity", which results from years of humiliation and exposure to violence and manifests in the form of nightmares, and bed-wetting.

F. Right to education

83. The right to education in the Occupied Palestinian Territory has continued to be seriously affected by the occupation. Owing to military operations, closure, curfews and challenges in transportation, schools have fallen behind in their curriculums. UNRWA semester exams in Gaza in January 2008 resulted in 50 to 60 per cent failure rates in mathematics and a 40 per cent failure rate in Arabic.

84. Reasons cited to the Special Committee included military operations, which prevented children from attending schools for safety reasons. The closure of Gaza

borders since June 2007 meant that schools started both semesters of 2007/08 without the needed textbooks, stationary supplies, pens, chalk, etc. Furthermore, teachers cannot be trained in Gaza and are prevented from attending teacher training in the West Bank, as was previously the practice. As an example of school disruption, the Special Committee was told that during Operation Warm Winter in March 2008, attendance rates across Gaza were zero or minimal at UNRWA schools. Also as a result of the Operation, Rafah schools were exposed to "collateral damage" and children suffered from psychological trauma. Regarding the latter and according to an UNRWA study, among 790 children surveyed, 110 had a close family member killed, 177 a relative or neighbour die, 119 saw mutilated bodies and the homes of 89 were damaged.

85. The separation wall in the West Bank has resulted in considerable hardships in relation to education, since it often separates children from their schools, which they access through the gates of the wall. In other parts of the West Bank, schools have been raided, vandalized and used as military outposts, including those run by UNRWA in refugee camps.

86. Witnesses reported on the separation of Nablus, the economic and service centre of the northern West Bank, from neighbouring villages and the impact of the siege on the enjoyment of human rights. The Special Committee was told that Nablus was surrounded by some 10 military checkpoints. It is also an educational centre with An Najah University. The Special Committee heard detailed testimony of the daily humiliations experienced by students from outside Nablus, including arbitrary delays and physical and psychological humiliations, including sexual harassment, beatings and arrests. Moreover, the Special Committee was told that because of the treatment at checkpoints, some families no longer permit their girls to attend university. Also, because of the checkpoints, transportation costs have increased significantly, thus impacting negatively access to university education. Arrests of students and university faculty have impacted the quality of education.

87. Moreover, according to several witnesses, from 670 to 700 students have been prevented to from exiting Gaza to pursue their studies abroad.

G. Right to life

88. The inherent right to life is the most fundamental of all rights and is protected by a number of international legal instruments to which Israel is a party. As an occupying Power, Israel has the obligation to ensure the protection of this right in the Occupied Palestinian Territory

89. Military incursions by Israeli security forces into Gaza and the West Bank continued through 2007. According to the Office for the Coordination of Humanitarian Affairs, 392 Palestinians were killed in the Israeli-Palestinian conflict in the Occupied Palestinian Territory (91 in the West Bank and 301 in Gaza). In addition, 1,180 Palestinians were injured in the West Bank and 661 in the Gaza Strip. During the same period, 13 Israelis were killed and 322 injured.[7] According to UNICEF, at least 68 children have been killed in the conflict with Israel since the beginning of 2008, which is more than were killed in all of 2007.

[7] Office for the Coordination of Humanitarian Affairs, *The Humanitarian Monitor*, No. 20 (December 2007).

90. In the light of the escalation of violence at the beginning of 2008, the Human Rights Council held its sixth special session, noted in paragraph 18 above, where it requested the High Commissioner for Human Rights to report to it at its next session. The High Commissioner has reported that between 24 January and 24 February 2008, Israeli security forces conducted at least 9 military incursions into Gaza and 106 into various locations of the West Bank. She further noted that some 41 Palestinians, including two children, were reportedly killed as a result of the Israeli-Palestinian conflict, which she highlighted represented a decrease from the first three weeks of 2008.[8] She reported that for the period 25 February to 25 April, 221 Palestinians were killed as a result of the international armed Israeli-Palestinian conflict in the Occupied Palestinian Territory (19 in the West Bank and 202 in the Gaza Strip). She also reported that during that two-month period, Israeli security forces conducted at least 30 military incursions into Gaza and 348 into various locations in the West Bank. The High Commissioner observed that, despite the higher number of incursions in the West Bank, the number of injuries and deaths were significantly higher in Gaza.[9]

91. The Special Committee also received information indicating that from January to 28 June 2008, 80 children were killed in Israeli military operations in the West Bank and Gaza, a large proportion of whom were killed during Operation Warm Winter, the five-day Israeli military operation in Gaza.

H. Right to liberty and security of person

92. There are currently more than 10,000 Palestinians detained in Israeli prisons and detention centres. Some 325 Palestinian children, including 3 girls, are currently in Israeli detention. Several witnesses detailed the infringements on the human rights of Palestinians detainees, including lack of legal guarantees, torture and ill treatment, harassment, serious concerns regarding the conditions of detention (including food, medical services and sanitary conditions) and the prevention of family visits. Administrative detention, including of children, continued to be a serious concern. The Committee listened to detailed accounts of methods used and the consequences of torture and ill treatment. Detailed reports were received of children being coerced into signing confessions through threats of sexual assault, or the arrest and detention of the parents of the child in order to exert psychological pressure.

93. One witness presented a sworn statement of a Palestinian female prisoner from Nablus as representative of the suffering of the 10,000 Palestinian prisoners in Israeli prisons, particularly female prisoners. She had been imprisoned for three years, during which she had been subjected to various forms of physical and psychological torture, including "shabeh", positioned on a small chair with her hands and feet tied behind her back, severe beatings that resulted in cuts on the head requiring stitches, and placement in isolation for five months under deplorable conditions. Her brother was brought in for questioning to extract a confession from her. She was also shown pictures of her husband after he had been tortured, and was deprived of family visits and of seeing her daughter for one year. According to the

[8] A/HRC/7/76, paras. 36-37.
[9] A/HRC/8/17, paras. 29, 34-35.

source, she was forced to strip on several occasions and was denied medical treatment, food and water and was humiliated and threatened.

94. A further concern highlighted by witnesses concerned the Israeli practice of detaining Palestinians within the borders of Israel, creating significant obstacles to family visits. Visits by families of prisoners from Gaza held in Israeli prisons, currently approximately 930, were stopped entirely the past year. On 12 June 2008, 10 organizations submitted a petition to the Israeli Supreme Court on behalf of five prisoners, in order to renew family visits for prisoners from the Gaza Strip being held in Israeli prisons.

95. The Special Committee was informed of the results of a case study carried out with 93 former detainees, in order to determine differences in treatment according to sex and the physical and psychological impact of torture. According to the results of the study, the level of torture increased in the course of the past year, including the percentage of detainees who indicated they were subjected to severe beatings (from 57 per cent to 62 per cent) and to "shabeh" (from 40 per cent to 71 per cent). According to the study, the percentage of detainees who were denied family visits increased from 66 per cent to 74 per cent. The witness also highlighted that 95 per cent of all detainees reported being threatened, humiliated and degraded. Other practices included solitary confinement and denial of access to medical treatment. Males were more likely to be subjected to physical torture than females, with the latter being more likely to be subjected to psychological torture. Also, children were subjected to both forms of torture. Symptoms highlighted to the Special Committee included headaches, stomach pains, especially ulcers, and psychological effects such as the inability to concentrate, forgetfulness, lack of confidence, isolation and the inability to participate in social activities or integrate into family life, changes in personality and mood, and nightmares. Witnesses asked that independent investigations be carried out into allegations of torture and that steps be taken to ensure compliance with international obligations prohibiting torture, namely the Convention against Torture, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

96. With regard to administrative detention, the Special Committee was informed that currently the number of administrative detainees was 857, arrested without charge or trial. Both lawyer and detainee are denied access to the evidence on the basis of which the detainee is deprived of liberty. The Committee listened to testimony regarding several individual cases of administrative detention. The Special Committee agrees with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, who, following his mission to Israel and the Occupied Palestinian Territory in July 2007, noted that the practice of "administrative detention" was at variance with article 14 of the International Covenant on Civil and Political Rights. He made several recommendations in this regard, including the discontinuation of the practice of military or other courts authorizing administrative detention on the basis of evidence available to neither the detainee nor counsel, as it was incompatible with article 14 (1) of the International Covenant on Civil and Political Rights.[10]

97. With regard to the arrest and detention of security suspects, in January 2008, the Israeli Knesset extended the validity of the Criminal Procedure (Detainees

[10] A/HRC/6/17/Add.4, paras. 25 and 57.

Suspected of Security Offences) Law, which was legislated in 2006 as a temporary order for a period of 18 months. According to that law, a suspect may be held for up to 96 hours without being brought before a judge, for deliberations to take place in their absence and not being informed of the decision of the court to extend their detention. Individuals suspected of having committed security crimes can be detained for up to 21 days without access to a lawyer. On 4 March 2008, the Public Committee against Torture in Israel, the Association for Civil Rights in Israel (ACRI) and Adalah — the Legal Centre for Arab Minority Rights in Israel — filed a petition with the Supreme Court in Israel demanding that the court annul the law as it violates the basic rights of detainees suspected of having committed security crimes. In 2007, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism expressed his grave concern at the impact of the law, as the result may be a situation whereby a detainee may be held without contact with the outside world for several weeks. He had recommended that the law be amended "to ensure that security suspects are provided with immediate and continued access to legal counsel and, where appropriate, family visits".[11] Witnesses highlighted that it is particularly in such situations that the risk of being subjected to torture or cruel, inhuman or degrading treatment or punishment increases.

VI. Situation of human rights in the occupied Syrian Golan

98. On 3 July 2008 in Damascus, the Syrian authorities submitted to the Special Committee the fortieth annual report of the Syrian Arab Republic on Israeli practices affecting the human rights of Syrian Arab citizens in the occupied Syrian Golan. The report covers the period from 31 July 2007 to 1 July 2008.

99. The paragraphs below provide a summary of the views contained in the annual report of the Syrian Arab Republic.

A. Past legacy

100. The Security Council, in its resolution 497 (1981), decided that the Israeli decision to annex the Golan is null and void. The General Assembly of the United Nations, in its resolution 62/85, declared the Israeli decision to be null and void, and called upon Israel to rescind its decision, and demanded once more that Israel withdraw from the occupied Syrian Golan and that it comply with Security Council resolution 497 (1981).

101. The Human Rights Council adopted resolution 7/30, concerning human rights violations in the occupied Syrian Golan, reaffirming the illegality of the decision by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, and calling upon Israel to comply with the relevant resolutions of the General Assembly and the Security Council declaring that decision null and void. The Human Rights Council further called upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and repressive measures against them. The Human Rights Council also called upon Member States not to recognize any legislative or administrative measures that

[11] Ibid, paras. 23-24 and 57.

Israel has taken or to be taken to alter the legal status and demographic character of the occupied Syrian Golan.

B. Deteriorating human rights situation in the occupied Syrian Golan

102. According to the Syrian report, the number of settlers has increased and existing settlements have expanded. There are now 45 Israeli settlements, the largest being Katsrin, which is home to around 20,000 settlers. The thirtieth anniversary of the founding of the Katsrin settlement was celebrated recently, during which the Prime Minister made reference to the fact that the settlement shall forever remain part of Israel. As noted in the previous report, settlers in the occupied Golan launched a new settlement campaign for the construction of 300 new living units in the occupied Golan. The 22 settlements stretching from Jabal al-Sheikh in the north to the shores of Lake Tiberias in the south have opened their doors to newcomers. As previously observed, the Israeli Land Department put up 2,500 dunums of land in the Golan for sale to settlers. According to a recent decision by the Regional Settlements Council in the occupied Syrian Golan, approved by the occupation government, a new settlement tourism village will be built by 2010, on 40 dunums of land close to the destroyed village of Amudiyah, with an earmarked amount of $30 million. The report also referred to the new campaign by the Regional Settlements Council to attract new settlers to the Golan, in cooperation with the board of the Yonathan settlement. In response to a request from Golan settlers to promote tourism and provide additional support, the Jabal al-Sheikh-Hama Highway, the longest road in the Golan, running along the ceasefire line between the Syrian Arab Republic and Israel, was reopened. Finally, according to the report, the Regional Settlements Council is working on the creation of an Israeli military unit that can intervene rapidly in the event of a military incident in the Golan, pending arrival of Israeli security forces. Membership in the new military unit requires prior combat experience in the Israeli army.

103. On 27 March 2008, the Human Rights Council adopted resolution 7/18 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, affirming that the Israeli settlements in the occupied territories are illegal and that the transfer of settlers to the occupied territories is a violation of the Fourth Geneva Convention and the Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I). The Human Rights Council also expressed grave concern at the continuation by Israel of settlement building and expansion, and called upon Israel, the occupying Power, to reverse its settlement policy. General Assembly resolution 62/108 equally reiterated that the Israeli settlements in the occupied Arab territories are illegal.

104. The report reiterated that, as previously reported, Syrian citizens of the occupied Golan are denied their right to access to water resources. Arab citizens have been severely affected by these measures, which dry up the springs supplying Arab villages with water and adversely affect crops and the livelihoods of the inhabitants. While citizens are not allowed to dig artesian wells or to build cisterns to store rain or snow water, the occupation authorities have dug numerous wells for the nearby settlements, lowering the groundwater level in the Arab villages. The occupation authorities also prevent the inhabitants of the occupied villages from using the waters of Mas`adah Lake, which they have diverted to the settlements, and

have increased water prices compared to those charged to the settlers in the area. In general, Syrian citizens in the Golan receive only 20 per cent of their annual needs. At the same time, the settlers in the same area receive 120 per cent of their annual needs.

105. According to the report, prisoners from the Golan who are far from their homes, are subjected to the harshest forms of physical and mental torture in prison and also have to contend with the difficulties and obstacles that the occupation authorities put in the way of relatives trying to visit them in prison. Furthermore, it has been noted that Israeli security forces subject Syrian Arab prisoners to ill treatment and mental torture in an effort to weaken their nationalist views and social outlook. The prisoners are held in terrible conditions, resulting in their contracting various illnesses. The attention of the Special Committee has been drawn to the grave deterioration of the health condition of Bashar al-Muqit, who has been imprisoned for 23 years, has had several heart attacks, most recently on 24 March 2008, and is in urgent need of an operation. Syrian prisoner Saytan al-Wali, who has also been imprisoned for 23 years, underwent an operation to remove a kidney because of a suspected tumour. The Syrian Ministry of Foreign Affairs informed relevant international organizations of the deteriorating health conditions of these prisoners, in order to ensure that Israel is urged to provide more humanitarian and better sanitary conditions for prisoners. The attention of the Special Committee was also drawn to Syrian journalist Atta Firhat. According to the report, he has been detained in an Israeli prison since 30 July 2007, because of his opinions and accounts about Israeli practices against the people of the occupied Syrian Golan. He and Yusuf Shams were arrested when Israeli police raided Majdal Shams and Buq'ata.

106. As previously reported, the Israeli prison authorities pursue a policy of humiliation and subjugation of prisoners, denying them their most basic rights. They raid prison wards on a regular basis and conduct daily searches. The authorities have repeatedly refused requests from international institutions, including the International Committee of the Red Cross (ICRC), to visit Syrian Arab prisoners. The report also noted a protest organized in front of the ICRC office in Damascus, denouncing the inhumane practices by Israel against Syrian prisoners and calling for the immediate release of prisoners. On 22 May 2008, Israel released Syrian prisoner Mohammed Abduh al-Shimali, who had been imprisoned for over five years. The report noted that, at the time of writing, 16 citizens from the occupied Syrian Golan were languishing in Israeli prisons, accused of resisting the occupation. On 11 February 2008, an Israeli soldier shot at two men from Buq'ata, Atta Fayiz Abu Shahin and Riyadh Hamud Murad, who sustained moderate injuries and were immediately transferred to the hospital.

107. The Syrian report highlighted the constant threat posed by landmines, since Israeli mines lie in areas close to villages, fields and pastureland belonging to the local people, which also limits freedom of movement of inhabitants. Livestock, such as cows and sheep, are equally at risk from grazing the land. On 27 October 2007, an Israeli mine in the village of Jiyah in Quneitra Governorate exploded, killing citizens Riyadh al-Ghazu and Ayman Zalkhah. Two others were seriously injured and were taken to the hospital. The total number of victims of Israeli mines in the occupied Syrian Golan is 531, 202 of them fatalities and most of them children. A total of 329 persons sustained permanent disabilities. There are an estimated 2 million mines and 76 minefields in the occupied Syrian Golan.

108. As noted in the previous report, there are 12 schools in the five remaining villages of the occupied Golan, consisting of 6 primary schools, 3 middle schools, 2 secondary schools and 1 branch of a preparatory intermediate college in the village of Mas'adah. The schools are overcrowded, unfit for education and unsanitary. Regarding university education, Syrian Arab doctors and pharmacists who graduate abroad do not receive licences from the occupation authorities to practice in the occupied Syrian Golan and thus are forced to emigrate to find work. At the same time, students are prevented from completing their university education or gaining entry to particular faculties, unless they accept the occupation and Israeli nationality. On 18 April 2008, the Israeli occupation authorities confiscated the Syrian identity cards of 19 students from the occupied Golan who were returning home after having completed their studies at Syrian universities.

109. The Syrian report described a series of measures violating the rights of workers in the occupied Syrian Golan, including harassment by Israeli authorities of Syrian workers, the denial of employment opportunities, dismissals, discrimination with respect to wages and taxes and preventing Syrian workers from taking up occupations in accordance with their qualifications. Also, the occupation authorities do not allow Syrian workers to establish trade union institutions or organizations to protect their rights. As highlighted previously, Syrian workers in the occupied Golan have to contend with the problems of unemployment and job insecurity. According to the report, the Israeli occupation subjects workers to sustained economic pressure and exploitation in order to terrorize Syrian Arab citizens in the occupied Golan and wear them down economically. As a result, the socio-economic situation in the occupied Syrian Golan has deteriorated, standards of living have fallen, and poverty and unemployment are on the rise, precipitating a major humanitarian crisis.

110. The health situation continued as described in the previous report of the Special Committee. The five occupied Arab villages in the Golan continue to suffer from a chronic shortage of health centres and clinics, the villages have no hospital and citizens have to go to the town of Safed or Jerusalem for even the simplest surgical procedure. Enormous costs are incurred and there is constant hardship because of the lack of first aid centres, doctors, specialist clinics, such as gynaecological and obstetrics departments, X-ray services and emergency rooms. The report reiterated that the Israeli occupation authorities charge high prices for medical tests and services, which are not proportionate to the income of citizens.

111. The report re-emphasized that Syrian women in the occupied Golan suffer from the adverse psychological, social and material effects arising from more than 40 years of occupation. Syrian women in the occupied Golan have been subjected to repeated waves of arrests and have been held in Israeli prisons. While visiting their relatives in prison, they are treated roughly by occupation soldiers performing physical searches and are made to wait a long time outside the prisons, which are equipped with glass screens that prevent visitors from talking to prisoners; they can only look at one another. On 1 October 2007, 45 women from the occupied Syrian Golan demonstrated outside the Jerusalem headquarters of ICRC to protest the inhuman and appalling conditions with which they have to contend. The report indicated that children are not spared from Israeli arbitrary practices, stating that Israel violates the rights of Syrian children in the Golan by imposing Israeli nationality on them and denying them their Syrian nationality. They are also denied the freedom to receive information and ideas, owing to the restrictions placed on the population (including children) and on its freedom of movement.

112. On 11 December 2007, the Ministry of Foreign Affairs of the Syrian Arab Republic sent a number of letters to relevant international organizations so that family visits through the Quneitra crossing point would be resumed, as their interruption represented harsh and unjust denial of the human right of 20,000 Syrians from the occupied Golan to family reunification, increased the suffering and constituted a breach of the basic obligations of the occupying Power. The Syrian Arab Republic reiterated in the report its demand for the resumption of visits carried out through the Quneitra crossing point, under ICRC supervision, until they were stopped by Israel in 1994.

113. Finally, the report highlighted that on 24 October, President Bashar al-Assad issued instructions that Syrian citizens in the occupied Golan must be issued a national identity number and identity card, in order to make it clear that they belong to the Syrian homeland, and to alleviate the suffering that they endure because of daily harassment by the Israeli occupation authorities and Israeli violations of international law.

VII. Conclusions and recommendations

A. Conclusions

114. The Special Committee has noted once again the serious deterioration of the human rights situation in the Occupied Palestinian Territory and in the occupied Syrian Golan, all of which arises from the Israeli occupation. The Committee has noted the despondency of the population of those areas regarding the situation of human rights.

115. Palestinians have continued to suffer as a result of various types of violations of their basic human rights. They have suffered from various types of Israeli military action that has resulted in considerable loss of life and injuries, and damage to property and infrastructure. They have been subjected to collective punishment and have seen their rights violated with an ever decreasing possibility to seek effective redress. The construction of the separation wall has continued in defiance of the advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* rendered in July 2004 by the International Court of Justice, and the establishment of the Register of Damages Caused by the Construction of the Wall in the Occupied Palestinian Territory has been a lengthy and, considered by many, a disappointing process owing to its lack of presence in the Occupied Palestinian Territory and narrow mandate. Settlements and bypass roads have continued to expand and restrictions on the right to freedom of movement have further intensified, severely affecting the enjoyment of virtually all human rights of the Palestinian population, and further fragmenting the Occupied Palestinian Territory into disconnected "cantons" or "Bantustans". The situation in the Gaza Strip is particularly serious, and, despite the hope resulting from the 19 June ceasefire, the facts on the ground will determine whether the population can benefit from any real relief. The human rights and welfare of children, a very vulnerable group that makes up half of the population of Gaza, is of utmost concern.

116. In addition to the damages arising from the construction of the separation wall, the Special Committee remains of the view that Israel should, in accordance with the principles of international law, grant compensation for damage in the

Occupied Palestinian Territory resulting from all other aspects of the occupation that have affected all facets of Palestinian lives.

117. Although most Palestinians were not very hopeful about the possibility for improvement in the situation of human rights, some voiced hope that the international community would break its silence and act more resolutely to urge Israel to respect international law and comply with its legal obligations both under the international human rights instruments to which it is a party and, as the occupying Power, international humanitarian law, in particular the Fourth Geneva Convention. A number of interlocutors urged the Special Committee to do more to make their plight known to the world and elicit action by those who have the real power to make a difference.

118. The Special Committee also noted that the shift from development to humanitarian assistance has increased even further. The deterioration of the human rights situation can be largely attributable to Israeli practices. Israel and the international community, as Member States of the United Nations and as States parties to core international human rights treaties, have an obligation to ensure the realization of the human rights of the Palestinian people, including the population of Gaza, not as a matter of humanitarian charity, but as a matter of Palestinian rights and corresponding obligations by all concerned.

B. Recommendations

119. **The Special Committee wishes to reiterate some of the recommendations made in its previous report (A/62/360) as follows:**

(a) **The General Assembly should:**

(i) **Urgently consider all means at its disposal to fulfil its responsibilities regarding all aspects of the question of Palestine until it is resolved in conformity with relevant United Nations resolutions and the norms of international law and until the inalienable rights of the Palestinian people are fully realized, and to this end provide the Special Committee with a renewed mandate in line with current realities and taking into account the hopes and aspirations of those living in occupied territories;**

(ii) **Urge the Security Council to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, in which the Assembly requested Israel to comply with its legal obligation to cease the construction of the separation wall in the Occupied Palestinian Territory, including in and around East Jerusalem; to dismantle the segments of the wall already built; to repeal all legislative and regulatory acts adopted in view of the construction of the wall; and to make reparation for the damage arising from the construction of the wall;**

(iii) **Urge the Security Council to consider sanctions against Israel if it persists in paying no attention to its international legal obligations;**

(iv) **Ensure that other States are not taking actions that assist in any way the construction of the separation wall in the Occupied**

Palestinian Territory, either directly or indirectly, and that bilateral agreements between Israel and other States do not violate their respective obligations under international law;

(v) Encourage the members of the Quartet to fully implement the road map in such a way as to achieve a comprehensive, just and lasting settlement of the conflict, on the basis of relevant United Nations resolutions, including Security Council resolutions, and international humanitarian and human rights law;

(vi) Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure respect for the Convention by Israel; a meeting of the High Contracting Parties to that effect should be convened urgently;

(b) The Government of Israel should:

(i) Recognize the de jure and de facto applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory and the occupied Syrian Golan and distinguish in all circumstances between military objectives and civilian persons and objects;

(ii) Ensure respect for international law and the principle of appropriate use of means and methods of warfare, and cease its policies of excessive use of force and extrajudicial killings of Palestinians, and the destruction of land, civilian and public property, houses and infrastructure;

(iii) Stop its policy of confiscating Palestinian land, which affects the territorial integrity of the future Palestinian State, and of expanding Jewish settlements in the Occupied Palestinian Territory, which are contrary to international law and which threaten the contiguity of Palestinian lands, and ensure that Israeli forces protect Palestinian civilians and their property against violence by Israeli settlers by instructing them to arrest settlers who commit violent acts against Palestinians or their property, by carrying out prompt and thorough investigations of complaints of settler violence and by bringing to justice those responsible;

(iv) Restore freedom of movement for Palestinians throughout the Occupied Palestinian Territory by lifting closures, checkpoints, roadblocks and other obstacles to movement and stop building roads accessible only to Israeli settlers and preventing access by Palestinians, in particular women and children, to their fields, schools, places of work, hospitals and other health-care facilities, as well as the passage of ambulances;

(v) End the closure and collective punishment of the people of Gaza, and take urgent steps to end the current man-made crisis and suffering of the people of Gaza and deprivation of all their rights;

(vi) Stop building the separation wall in the Occupied Palestinian Territory, which hampers the achievement of a just and sustainable peace between Israel and the future Palestinian State, and comply fully with the provisions of the advisory opinion of the International

Court of Justice and all provisions of General Assembly resolution ES-10/15;

(vii) Stop carrying out mass arrests and arbitrary detention and imposing humiliating and cruel treatment on Palestinians and other Arabs detained in Israeli jails; guarantee those arrested a fair trial and detention conditions that are in keeping with the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Fourth Geneva Convention;

(viii) Urgently implement its obligations set forth in the road map and withdraw its military presence in the Occupied Palestinian Territory and its occupation of the Syrian Golan;

(ix) Implement the concluding observations and recommendations of United Nations treaty bodies and special procedures mechanisms. Implement also the recommendations of the Special Representative of the Secretary-General for Children and Armed Conflict regarding Israeli occupation and acts;

(x) Implement the recommendations of the High Commissioner for Human Rights to the Human Rights Council;

(xi) Establish an independent and transparent system of accountability, which ensures prompt and impartial investigations, that perpetrators are brought to justice and that victims enjoy the right to an effective remedy.

(c) The Palestinian Authority should:

(i) Abide by the relevant provisions of human rights law and international humanitarian law;

(ii) Aim to resolve the urgent human rights and humanitarian crisis currently facing the Occupied Palestinian Territory, and to fully restore the rule of law in areas under its control;

(iii) Comply with the requirements of the road map as laid out by the Quartet.

120. **The Special Committee urges concerned civil society groups and diplomatic, academic and research institutions to use their goodwill and influence to make widely known, by all available means, the current serious human rights and humanitarian situation in which Palestinians find themselves, as well as the human rights situation in the occupied Syrian Golan. The Special Committee commends and encourages the efforts of Israeli non-governmental organizations made on behalf of Palestinian human rights, and considers that the work of these organizations should receive better recognition from Israeli civil society and relevant Israeli institutions.**

121. **All Governments concerned are urged to comply fully with article 1 of the Fourth Geneva Convention and with the international obligations outlined in the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15.**

122. **The Special Committee strongly encourages international and national media to provide broad and accurate coverage of the current human rights and humanitarian situation in the Occupied Palestinian Territory, including substantive analyses of the situation and its causes, with a view to mobilizing international public opinion in favour of a just and lasting settlement of the conflict.**